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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Chapter 11
)	
)	Case No. 08-13555-scc
)	
LEHMAN BROTHERS HOLDINGS., et al.,)	
Debtors.)	
)	

**AFFIRMATION IN SUPPORT OF *EX PARTE* APPLICATION FOR
THE ENTRY OF AN ORDER TO SHOW CAUSE AND SETTING A
HEARING ON THE MOTION OF FIRST MORTGAGE
CORPORATION PURSUANT TO RULE 60(b)(6) OF THE FEDERAL
RULES OF CIVIL PROCEDURE FOR AN ORDER VACATING THE
“ALTERNATIVE DISPUTE RESOLUTION PROCEDURES ORDER
FOR INDEMNIFICATION CLAIMS OF THE DEBTORS AGAINST
MORTGAGE LOAN SELLER, FIRST MORTGAGE
CORPORATION”**

First Mortgage Corporation hereby files this *ex parte* application (“Application”) for entry of an Order to Show Cause, substantially in the form of the order attached hereto as Exhibit A, staying First Mortgage Corporation’ obligation to respond or mediate under this Court’s Alternative Dispute Resolution Procedures Order for Indemnification Claims of the Debtors Against Mortgage Loan Seller, First Mortgage Corporation (the “ADR Order”) and setting a hearing on First Mortgage Corporation’ Motion pursuant to *Rule 60(b)(6)* of the *Federal Rules of Civil Procedure* seeking to

vacate same.

BASIS FOR RELIEF

1. On July 18, 2014, the court entered the ADR Order directing debtor Lehman Brothers Holdings Inc. (“LBHI”) and First Mortgage Corporation to engage in certain Alternative Dispute Resolution Procedures in connection with alleged indemnification claims held by LBHI against First Mortgage Corporation.

2. On March 5, 2015, First Mortgage Corporation received an Indemnification ADR Package (the “Claim”) from LBHI which, pursuant to the terms of the ADR Order, activated a twenty day period during which First Mortgage Corporation must respond. Their response is due by Wednesday, March 25, 2015.

3. In preparing its response to the Claim however it became apparent that LBHI does not hold any enforceable claims against First Mortgage Corporation as a matter of law as: (1) LBHI does not possess a right to repurchase, cure or to be indemnified by First Mortgage Corporation; and (2) any claims assigned to LBHI are barred by the statute of limitations.

4. Upon information and belief, the retainers being collected from the LBHI mediators are \$20,000 to be split between the parties. This does not include the cost of travel or other expenses for the lenders. In light of the foregoing, and in order to prevent LBHI and First Mortgage Corporation from incurring the substantial cost of preparing for and participating in premature mediation, First Mortgage Corporation submits that sufficient cause exists to have its request for stay heard on an emergency basis.

5. First Mortgage Corporation has met and conferred with counsel for LBHI to request a stipulated stay but has not received a response to date. First Mortgage

retained American Mortgage Law Group on Friday March 20, 2015.

NO PRIOR REQUEST

6. No previous request for the relief requested herein has been made to this or any other court.

WHEREFORE, , for the reasons set forth herein, First Mortgage Corporation respectfully requests that this Court enter an order, substantially in the form attached hereto as Exhibit A, (i) granting the relief requested herein and (ii) granting First Mortgage Corporation such other and further relief as the Court deems proper and just.

Dated: March 24, 2015

/s/ Evans Prieston

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